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Of Attorneys for State Defendants Hormann,
Krings, Riddle, Wilcox and Oregon State Police

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

NICHOLAS JAMES MCGUFFIN, as an
individual and as guardian *ad litem*, on behalf
of S.M., a minor,

Plaintiffs,

v.

MARK DANNELS, PAT DOWNING,
SUSAN HORMANN, MARY KRINGS,
KRIS KARCHER, SHELLY MCINNES,
RAYMOND MCNEELY, KIP OSWALD,
MICHAEL REAVES, JOHN RIDDLE, SEAN
SANBORN, ERIC SCHWENNINGER,
RICHARD WALTER, CHRIS WEBLEY,
ANTHONY WETMORE, KATHY WILCOX,
CRAIG ZANNI, DAVID ZAVALA, ESTATE
OF DAVID E. HALL, VIDOCQ SOCIETY,
CITY OF COQUILLE, CITY OF COOS
BAY, and COOS COUNTY,

Defendants.

Case No. 6:20-cv-1163-MTK (Lead Case)
3:21-cv-1719-MTK (Trailing Case)

DECLARATION OF JESSE B. DAVIS IN
SUPPORT OF STATE DEFENDANTS'
MOTION FOR EXTENSION OF TIME TO
FILE MOTION FOR SUMMARY
JUDGMENT

VIDOCQ SOCIETY,

Cross-Claimant.

RICHARD WALTER,

Cross-Claimant.

NICHOLAS JAMES MCGUFFIN, as an
individual and as guardian ad litem, on behalf
of S.M., a minor,

Plaintiff,

v.

OREGON STATE POLICE,

Defendant.

I, Jesse B. Davis, declare:

1. I am a Senior Assistant Attorney General with the Trial Division of the State of Oregon, Department of Justice. I have been assigned to represent the State Defendants, Hormann, Krings, Riddle, Wilcox and Oregon State Police, in this matter. I have personal knowledge of the matters set forth herein.

2. On November 20, 2024, the Court held a status conference and issued deadlines that were later memorialized in a November 27, 2024, Scheduling Order (ECF 271). The deadlines included a December 13, 2024, deadline for completion of depositions of Plaintiffs' disclosed experts, as well as a briefing schedule for the parties' dispositive motions, with those motions due January 7, 2025.

3. Despite diligent effort by the State Defendants' counsel to prepare the State Defendants' motion for summary judgment, we have been unable to complete the motion in time to meet the January 7, 2025, deadline. The reasons we need additional time are as follows:

4. Plaintiffs informed the parties for the first time at the November 20, 2024, status conference that they no longer intended to depose the State Defendants' experts. We had already

spent time preparing for those depositions. Since that status conference, we have also spent time responding to Plaintiffs' subpoenas duces tecum to the State Defendants' experts.

5. The parties completed the depositions of Plaintiffs' disclosed experts within the December 13, 2024, deadline set in the Scheduling Order. Some of these depositions required significant preparation, review of technical materials, and consultation with technical experts.

6. My staff and I fully prepared for a three-day trial in a different case scheduled to begin December 17, 2024. That case came to a surprise resolution only on the day before.

7. The two operative complaints assert at least 14 separate claims or counts for relief against the five State Defendants. The claims and counts are factually intensive, with relevant facts spanning nearly two decades and voluminous documents. Compiling the relevant information, declarations, deposition excerpts, and exhibits for the motion is a significant undertaking that has taken longer than expected.

8. The holidays have reduced the availability of staff and relevant witnesses needed to prepare the motion. A family emergency among staff has also contributed to the delay.

9. My team has spent significant amounts of time in the evenings and on weekends working on the motion. I have skipped family and holiday plans in my efforts to work on the motion. We simply need additional time to prepare a sound and well-supported motion.

10. This is the second request for an extension of this deadline. We do not anticipate requesting an additional extension of this deadline.

11. I conferred with the parties' counsel before filing this motion. Plaintiffs oppose this motion. The other defendants do not oppose this motion.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on December 31, 2024.

s/ Jesse B. Davis
JESSE B. DAVIS
Senior Assistant Attorney General